UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 November 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
       closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4,13,15-18,20-23,25,29,31-34,36 and 40</u> is/are pending in the application.

       4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4,13,15-18,20-23,25,29,31-34,36 and 40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

       a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
              application from the International Bureau (PCT Rule 17.2(a)).

       * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
       Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
       Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40-44 are rejected under 35

U.S.C. 102(e) as being anticipated by Ando et al. (US 2001/0046371 A1) in view of Nakai et al.

(US 5,999,698).

Regarding Claim 1, Ando et al. (hereinafter Ando) teach a computer readable medium

having a data structure for managing reproduction of a slideshow of at least one still image (Fig.

1), comprising:

- a data storing area storing first and second stream files (Fig. 3, Data Area 112), the first

    stream file including video data for reproducing at least one still image (Fig. 3, VR_Movie

    and AR_Still picture recording areas), the second stream file including at least audio

    data (Fig. 3, AR_Audio Object recording area);

- a playlist area storing a playlist file, the playlist file including at least one playitem and at

    least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still

    picture and audio entry points), the at least one playitem indicating an in-point and out-

    point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12,

28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)),

- wherein the playlist file further includes sync information and repeat information, the sync information identifying whether reproduction being indicated by the at least one playitem is synchronized with reproduction being indicated by the at least one sub-playitem (Figs. 10-12 – sync information used by linking still picture and audio entry points with audio data for reproduction, where as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)) but fails to explicitly teach the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem.

Nakai et al. teaches the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem (Fig. 5 – repeat key; Col. 34, lines 5-45 – repeat reproduction from marks). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to designate points of reproduction to be able to presently

or in the future review preferred portions of a reproduction stream as desired by user.

Regarding Claim 2, Ando teaches the computer readable medium of claim 1, wherein

the link information links the at least one still image and the audio data (in at least Figs. 7, 8, 10-

13 – link with original track) such that presentation of the at least one still image is synchronized

with reproduction of the audio data (Figs. 7-10 – audio tracks associated with a still picture for

playback synchronization; Figs. 6A,B).

Regarding Claim 4, Ando teaches the computer readable medium of claim 1, wherein

the at least one playitem includes duration information indicating a duration to display each still

image (Figs. 6A, 6B) during reproduction of the slideshow (Fig. 43 – duration as further clarified

in Figs. 6A – time chart points; 7-10, 12, 28A,B and 43-48).

Regarding Claim 13, Ando teaches the computer readable medium of claim 1, wherein

the playlist file includes mark information, the mark information includes a mark pointing to a still

image (in at least Fig. 10 – still picture entry point).

Regarding Claim 15, Ando teaches a method of reproducing a slideshow at least one

still image from a recording medium, comprising:

- reproducing (Figs. 1; 6A,B; 7 – reproduction of disc) first and second stream files, the

  first stream file including video data for reproducing at least one still image (Fig. 3,

  VR_Movie and AR_Still picture recording areas), the second stream file including audio

  data (Fig. 3, AR_Audio Object recording area);

- reproducing a playlist file, the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating the at least one playitem is associated with the at least one sub-playitem (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)),

- wherein the playlist file further includes sync information and repeat information, the sync information identifying whether reproduction being indicated by the at least one playitem is synchronized with reproduction being indicated by the at least one sub-playitem (Figs. 10-12 – sync information used by linking still picture and audio entry points with audio data for reproduction, where as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)) but fails to explicitly teach

the repeat information indicating whether to repeat the reproduction indicated by the at
least one sub-playitem.

Nakai et al. teaches the repeat information indicating whether to repeat the reproduction
indicated by the at least one sub-playitem (Fig. 5 -- repeat key; Col. 34, lines 5-45 -- repeat
reproduction from marks). It would have been obvious to one of ordinary skill in the art at the
time the invention was made to designate points of reproduction to be able to presently or in the
future review preferred portions of a reproduction stream as desired by user.

Regarding Claim 16, Ando teaches an apparatus for reproducing a slideshow at least
one image from the recording medium, **comprising:**

- a pick up device configured to reproduce data recorded on a recording medium (Fig. 14
  – disc drive, 409);

- a controller configured to control pick up to reproduce (Figs. 1; 6A,B; 7 – reproduction of
  disc) first and second stream files, the first stream file including video data for
  reproducing at least one still image (Fig. 3, VR_Movie and AR_Still picture recording
  areas), the second stream file including audio data (Fig. 3, AR_Audio Object recording
  area), and configured to control the pick up to reproduce a playlist file, the playlist file
  including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and
  43-48 – PGC or UDPGC having still picture and audio entry points), the at least one
  playitem indicating an in-point and out-point of the first stream file for reproducing the at
  least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one
  sub-playitem indicating an in-point and out-point of the second stream file for
  reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio
  entry points with linking), the link information indicating that the at least one playitem is

associated with the at least one sub-playitem (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)),

- wherein the playlist file further includes sync information and repeat information, the sync information identifying whether reproduction being indicated by the at least one playitem is synchronized with reproduction being indicated by the at least one sub-playitem (Figs. 10-12 – sync information used by linking still picture and audio entry points with audio data for reproduction, where as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)) but fails to explicitly teach the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem.

Nakai et al. teaches the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem (Fig. 5 – repeat key; Col. 34, lines 5-45 – repeat reproduction from marks). It would have been obvious to one of ordinary skill in the art at the time the invention was made to designate points of reproduction to be able to presently or in the future review preferred portions of a reproduction stream as desired by user.

Regarding Claim 17, Ando teaches a method of recording a data structure for managing reproduction of a slideshow of at least one still image on a recording medium (Figs. 1; 6A,B), comprising:

- recording (Abstract) first and second stream files in a data area (Fig. 3, Data Area 112), the first stream file including video data for reproducing at least one still image (Fig. 3, VR_Movie and AR_Still picture recording areas), the second stream file including audio data (Fig. 3, AR_Audio Object recording area); and

- recording a playlist file (Page 11, Paragraphs [0214+]; Fig. 1 – audio/video recording area, 121, containing program chains), the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)),

- wherein the playlist file further includes sync information and repeat information, the sync information identifying whether reproduction being indicated by the at least one

playitem is synchronized with reproduction being indicated by the at least one sub-playitem (Figs. 10-12 – sync information used by linking still picture and audio entry points with audio data for reproduction, where as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)) but fails to explicitly teach the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem.

Nakai et al. teaches the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem (Fig. 5 – repeat key; Col. 34, lines 5-45 – repeat reproduction from marks). It would have been obvious to one of ordinary skill in the art at the time the invention was made to designate points of reproduction to be able to presently or in the future review preferred portions of a reproduction stream as desired by user.

Regarding Claim 18, Ando teaches an apparatus for recording a data structure for managing reproduction of a slideshow of at least one still image on a recording medium, comprising (Figs. 1; 6A,B):

- pick up configured to record data (Fig. 14 – disc drive, 409);
- a controller configured to control pick up to record (Abstract) first and second stream files, the first stream file including video data for reproducing at least one still image (Fig. 3, VR_Movie and AR_Still picture recording areas), the second stream file including audio data (Fig. 3, AR_Audio Object recording area); and

- configured to control pick up to record a playlist file (Page 11, Paragraphs [0214+]; Fig. 1 – audio/video recording area, 121, containing program chains) the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)),

- wherein the playlist file further includes sync information and repeat information, the sync information identifying whether reproduction being indicated by the at least one playitem is synchronized with reproduction being indicated by the at least one sub-playitem (Figs. 10-12 – sync information used by linking still picture and audio entry points with audio data for reproduction, where as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)) but fails to explicitly teach

the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem.

Nakai et al. teaches the repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem (Fig. 5 -- repeat key; Col. 34, lines 5-45 -- repeat reproduction from marks). It would have been obvious to one of ordinary skill in the art at the time the invention was made to designate points of reproduction to be able to presently or in the future review preferred portions of a reproduction stream as desired by user.

Claims 20, 23, 31, 34 are rejected under the same grounds as claim 2.

Claims 21, 25, 32, 36 are rejected under the same grounds as claim 4.

Claims 22, 29, 33, 40 are rejected under the same grounds as claim 13.

Regarding Claim 41, asdf teaches the method of claim 15, but fails to explicitly teach wherein the recording medium is a read-only recording medium. Nakai teaches wherein the recording medium is a read-only recording medium (in at least Col. 21, lines 5-11; Col. 38, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use ROM for storage since it is a readily available component that is non-volatile.

Regarding Claim 42, asdf teaches the method of claim 15, wherein the recording medium is a recordable recording medium (in at least Fig. 1).

Regarding Claim 43, asdf teaches the method of claim 16, but fails to explicitly teach wherein the recording medium is a read-only recording medium. Nakai teaches wherein the

recording medium is a read-only recording medium (in at least Col. 21, lines 5-11; Col. 38, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use ROM for storage since it is a readily available component that is non-volatile.

Regarding Claim 44, asdf teaches the method of claim 16, wherein the recording medium is a recordable recording medium (in at least Fig. 1).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kato et al. (US 7,477,833 B2) – An information processing apparatus and method having real and virtual playlists with associative main and sub-paths respectively describing in and out-points.

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL CHOI whose telephone number is (571) 272-9594. The examiner can normally be reached on M-F (9am - 5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Choi
Examiner
Art Unit 2621

/Marsha D. Banks-Harold/
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